

Message Text

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TO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: N/A

TAGS: EGEN, UNGA

SUBJECT:30TH UNGA - AGENDA ITEM 12: IRANIAN DRAFT
RESOLUTION ON TNC'S

REF: USUN 6268

1. WE APPRECIATE PROGRESS THAT HAS BEEN MADE IN GAINING
IRANIAN SUPPORT OF CERTAIN IMPROVEMENTS IN DRAFT RESOLUTION
HOWEVER, THERE ARE SEVERAL SERIOUS PROBLEMS THAT REMAIN
THAT WOULD PREVENT USG FROM SUPPORTING RESOLUTION AS IT
WOULD BE AMENDED PER REFTEL. OUR SPECIFIC CONCERNS INCLUDE
THE FOLLOWING.

2. THE FIRST PREAMBULAR PARAGRAPH SHOULD BE MODIFIED TO
CONFORM WITH THE PROPOSED NEW TITLE, I.E., BY ADDING THE
WORDS "AND OTHERS INVOLVED." SAME CHANGE NEEDS TO BE MADE
IN OPERATIVE PARA 2, AS WELL AS OPERATIVE PARA 1.

SIMILARLY, IN ADDITION TO THE CHANGE IN PARA 1(D) OF REFTEL

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WE SUGGEST THAT FIRST PORTION OF FIRST OPERATIVE PARAGRAPH

BE AMENDED TO READ: "CONDEMNS ALL CORRUPT PRACTICES, INCLUDING BRIBERY OR THE SOLICITATION OF BRIBES, BY TRANS-NATIONAL AND OTHER CORPORATIONS" ETC. SOME FORMULA EXPRESSING THIS BALANCE AGAINST THE SOLICITATION, AS WELL AS THE OFFERING, OF BRIBES IS ESSENTIAL FROM THE U.S. STANDPOINT.

3. WE ARE CONFUSED AS TO HOW PREAMBULAR PARAGRAPH 3 WOULD READ BUT HAVE NO OBJECTION IN PRINCIPLE TO REFERRING TO THE REPORT OF THE UN COMMISSION ON TNC'S.

4. IN OPERATIVE PARA 2 WE NEED TO DELETE "IN ACCORDANCE WITH ITS NATIONAL LAWS AND REGULATIONS," OR TO ADD "CONSISTENT WITH INTERNATIONAL LAW," OR TO FIND SOME FORMULA TO EXPRESS THE IDEA THAT STATES SHOULD APPLY THOSE CRIMINAL AND CIVIL PENALTIES SPECIFICALLY PRESCRIBED BY NATIONAL LAW FOR DEFINED OFFENSES. SEE STATE 259804. ONE SUCH FORMULA MIGHT BE "REAFFIRMS THE RIGHT OF ANY STATE TO ENACT LEGISLATION DEFINING CORRUPT PRACTICES AND ESTABLISHING SPECIFIC PENALTIES THEREFOR AND TO INVESTIGATE AND TAKE LEGAL ACTION, IN ACCORDANCE WITH ITS NATIONAL LAWS AND REGULATIONS, AGAINST TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES, AND OTHERS INVOLVED IN SUCH CORRUPT PRACTICES."

5. WE COULD ACCEPT OPERATIVE PARA 3 AS AMENDED PER REFTEL IF THE FOLLOWING ESSENTIAL CHANGES CAN BE OBTAINED IN OPERATIVE PARA 5. AS WE CANNOT SUPPORT THE CONCEPT OF PROSECUTION BY HOME COUNTRIES, WE MUST INSIST ON DELETION OF THE LAST PHRASE AS REPORTED IN PARA 1(H) OF REFTEL. THE TEXT FOR PARA 5 WE COULD SUPPORT WOULD THUS READ "CALLS UPON HOME GOVERNMENTS TO COOPERATE WITH HOST GOVERNMENTS TO PREVENT SUCH CORRUPT PRACTICES, INCLUDING BRIBERY." WE COULD ALSO SUPPORT PARA 5 AS STATED IN PARA 9 OF USUN 5539. KISSINGER

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